

**BIGFORK LAND USE ADVISORY COMMITTEE**  
**Approved Minutes, as Amended, Thursday June 30, 2022**  
**4:00 PM Bethany Lutheran Church Library**

Chairwoman Susan Johnson called the meeting to order at 4:04 p.m.

**Present:** Committee member attendees: Chany Ockert, Richard Michaud, Shelley Gonzales, Angela DeFries, Susan Johnson, and Jerry Sorensen; absent was Lou McGuire; Public: 5 members.

The agenda was approved (m/s, Sorensen/Ockert, ), unanimous.

Minutes of the May 26, 2022, meeting were approved (m/s, Ockert/Sorensen), unanimous.

**Administrator's Report and Announcements:**

Sign-in sheet passed around. Approved minutes and documents are posted on the County website: [flathead.mt.gov/planning\\_zoning](http://flathead.mt.gov/planning_zoning). Click on [meeting information](#).

Gonzales presented the status of most recent applications:

FZC-22-07-Garcia: Planning Board forwarded a positive recommendation to the County Commissioners.

**Public Comment:**

Rey Johnson-290 Ramsfield Road, Bigfork. He raises cattle, boards horses and hays on his property. He hears music at 11:30 at night. He knows that there is no noise ordinance in the county. He would like the topic of a noise ordinance on the next BLUAC agenda.

**Application:**

None

**Old Business:**

Short-term rentals at 615 Holt Dr. (FCU 21-04 April 20, 2021) Several residents of Lake Pointe, across the street from the subject project, were in attendance to discuss the impact of the development on their property. Julie Spencer of Bigfork Water and Sewer (BWS) asked to speak first with an update on the project as it pertains to BWS. There are two one-inch water lines and two 4-inch sewer lines serving two contiguous buildings on the property. The owner, Britt, has only paid for one water line and has said he will not pay for two lines, so BWS has padlocked the system. Owner cannot use the buildings. Owner is required to

connect the buildings with a roof. A picture of the buildings shows a piece of lumber between two structures. Spencer stated that this is not a roof.

Sorensen asked if Planning and Zoning has been notified, Spencer replied, no. The property owner is developing in accordance with the zoning in place. Michaud talked to Planning and Zoning regarding the project's issues, and he was told that they need to receive one written complaint before they will act. Spencer stated that BWS will wait until the developer asks for water then they will evaluate if water is available based on the fixture count for all the units.

### **Public Comment:**

Thomas Nicewarner-1411 Lake Pointe Drive. Stated he is the president of the Homeowner's Association which represents 52 lot owners with 24 homes built. He stated that Holt Drive has heavy traffic with vehicle parking in the summer months making it difficult for emergency vehicle access. Adding short-term rentals across the street will only make the traffic problem worse. These short-term rentals are not popular with the property owners. Britt claims his property is a phase of the Lake Pointe subdivision and should be connected to BWS.

Carolyn Nicewarner-1411 Lake Pointe Drive. Stated they will file a complaint with Planning and Zoning.

Karen Sykes-1034 Lake Pointe Drive. Showed pictures of the Britt property construction. She stated that if Britt's property is a phase of the Lake Point development, the buildings would be subject to the CC&R's, specifically minimum building size, which the buildings do not meet, and 6-month minimum rental requirements. She also stated that Britt intends to reapply for a Conditional Use Permit to build a total of nine units on the property.

Sykes was asked to email the photos so they could be attached to the minutes and forwarded to Planning and Zoning for their files. The public can request copies of these photos by contacting Planning and Zoning at 406 751-8200.

Michaud commented that the problem we are facing is that lawyers tell developers to do what they want because BLUAC's input does not count.

### **New Business:**

Neighborhood Plan:

Sorensen asked if the Plan needs to be amended to reflect changes due to growth. We should meet 1-2 times a year to discuss planning issues. He stated that before Mr. Mussman retired, he said the County Growth Plan was going to be updated. Given the county's recent growth, this needs to be done and we need to have a

conversation on the update. Should a consultant be brought in to update the Bigfork Plan?

DeFries asked for a history of the Bigfork Neighborhood Plan and the incorporation effort. Gonzales provided that information.

Michaud stated that there is no enforcement of what a short-term rental is.

#### Zoning Regulations:

Look to see if the regulations still meet the goals of the Neighborhood Plan.

Need buy in from county to help with the process.

#### Development and Infrastructure:

Michaud stated that there are multiple unsafe intersections in Bigfork, specifically Hwy 35/Bridge Street. Parking continues to be an issue. Should a road district for the Village be considered?

There was a two-minute discussion on the Columbia Falls resort tax.

Ockert recommended that the Chamber be invited to an upcoming meeting.

Before we meet with the Chamber, we need to meet with MDT, so we know where the state is on highways and traffic.

#### Use of emails by Bigfork.org:

Tabled to next meeting.

#### Application reviews/attendance by applicants:

Johnson suggested that Planning and Zoning inform BLUAC ahead of a meeting if the applicant will not be in attendance. This way committee members can formulate questions or make comments that would be in the minutes so the Board of Adjustment or Planning Board can ask such questions of the applicant at their meeting.

#### Committee Objectives:

Meet with Erik Mack and Planning Board regarding the County Growth Policy

Get report from Planning and Zoning on number of STRs in Bigfork.

Meet with Bigfork Chamber regarding infrastructure needs.

#### **Adjourn:**

Moved by Sorensen, seconded by Gonzales to adjourn the meeting, unanimously approved at 5:20 p.m.

Respectfully submitted,

Shelley Gonzales, member, and acting recording secretary